#6



Patent
Attorney Docket: 266/013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**HUBBELL, Jeffrey A. et al.**

**Serial No.:** 09/910,663

**Filed:** July 19, 2001

**For:** GELS FOR ENCAPSULATION OF BIOLOGICAL MATERIALS

**Group Art Unit:** 1714

**Examiner:** not yet assigned



**PRELIMINARY AMENDMENT**

BOX No Fee
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This Preliminary Amendment pursuant to 37 C.F.R. §1.121 is respectfully submitted in response to a Notice to File Corrected Application Papers ("Notice") dated December 13, 2001 for the above-identified patent application. This amendment corresponds to corrections made in the Formal Drawings being submitted with this Transmittal of Corrected Application Papers.

Before examination on the merits, please amend the above-identified application as follows:



CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Miyabi Grace
Name of Person Mailing Paper

February 13, 2002
Date of Deposit

Miyabi Grace
Signature of Person Mailing Paper

IN THE SPECIFICATION

1) On page 14, please delete lines 12-17 and kindly replace the deleted paragraph with the following replacement paragraph:

Figures 1A-J show schematically illustrated macromers of the present invention where _____ is a water-soluble core such as PEG; ~~~~~ is a hydrolyzably degradable extension such as a polyglycolide; ===== is a polymerizable end cap or side chain such as an acrylate; and ----- is a water-soluble and hydrolyzable portion such as a hyaluronate.

2) On page 15, please delete lines 17-22 and kindly replace the deleted paragraph with the following replacement paragraph:

Figure 8 is a graph of the number of cells versus gel composition, for the unattached cells obtained from lavage of the peritoneal cavity in mice with different PEO overcoat gel compositions: a - 18.5k; b - 10% 0.5k, 90% 18.5k; c - 50% 18.5k, 50% 0.4k; d - 10% 0.4k, 90% 35k; e - 50% 0.4k, 50% 35k; and f - alginate-poly (L-lysine) control.

## REMARKS

Substitute Drawings

The Notice indicates that in the drawings, more than one figure is present and each figure is not numbered with an Arabic numeral followed by a capital letter. Applicants hereby submit formal drawings that include Figures 1A-J, individually labeled for each of the ten (10) figures in

compliance with 37 CFR 1.84(u)(1). Additionally, Applicants amend the Specification to read "Figures 1A-J" rather than "Figure 1" in accordance with the corrections made in the drawings.

Omitted Items

The Notice also indicates that Figures 8b, 8d, 8e, 8f, 16b and 18b, as described in the specification, appear to have been omitted from the application. Furthermore, the Notice requires a petition and petition fee should the Applicants contend that these items be included in the applications. Applicants hereby submit a petition pursuant to 37 CFR 1.182 and the petition fee.

In the application filed on July 19, 2001, "Figure 8" was incorrectly referred to as "Figures 8A-F" in the specification. Applicants hereby amend the specification to read "Figure 8" and therefore assert that there were no omitted items such as 8b, 8c, 8d, 8e or 8f.

Also in the filed application, the figures following "Figure 16a" and "Figure 18a" were incorrectly numbered "Figure 2b" and "Figure 4b," respectively. Applicants hereby submit formal drawings that now correctly show these figures to be "Figure 16b" and "Figure 18b rather than "Figure 2b" and "Figure 4b." Therefore, Applicants assert that Figures 16b and 18b were not omitted but rather were submitted with incorrect numbering.

Since no items were omitted from the application as was submitted on the filing date, Applicants believe that the filing date of July 19, 2001 shall be maintained as the date of deposit of the original application papers in the USPTO.

In response to the Notice, Applicants include (1) a clean version of the replacement paragraphs in compliance with 37 CFR §1.21(b)(1)(ii), and (2) a marked-up version of the replacement paragraphs in compliance with 37 CFR §1.21(b)(1)(iii).

Thus, Applicants respectfully request the Examiner to enter these amendments. If Applicants can do anything more to expedite this application, Applicants ask the Examiner to contact the undersigned at (213) 489-1600.

Respectfully submitted,
LYON & LYON LLP

Dated: February 13, 2002

By: _____
Michael J. Wise
Reg. No. 34,047

22249
PATENT TRADEMARK OFFICE

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**MARKED-UP VERSION TO SHOW ALL CHANGES PURSUANT TO 37 CFR §1.21(b)(1)(iii)**

**IN THE SPECIFICATION**

1) On page 14, please delete lines 12-17 and kindly replace the deleted paragraph with the following replacement paragraph:



Figures 1A-J show [Figure 1 shows] schematically illustrated macromers of the present invention where _____ is a water-soluble [water soluble] core such as PEG; ~~~~~ is a hydrolyzably degradable extension such as a polyglycolide; ===== is a polymerizable end cap or side chain such as an acrylate; and ----- is a water-soluble and hydrolyzable portion such as a hyaluronate.

2) On page 15, please delete lines 17-22 and kindly replace the deleted paragraph with the following replacement paragraph:

Figure 8 [Figures 8A-F] is a graph of the number of cells versus gel composition, for the unattached cells obtained from lavage of the peritoneal cavity in mice with different PEO overcoat gel compositions: a - 18.5k; b - 10% 0.5k, 90% 18.5k; c - 50% 18.5k, 50% 0.4k; d - 10% 0.4k, 90% 35k; e - 50% 0.4k, 50% 35k; and f - alginate-poly (L-lysine) control.

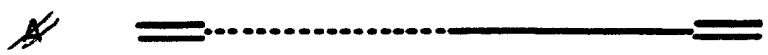


FIG. 1A

FIG. 1B

FIG. 1C

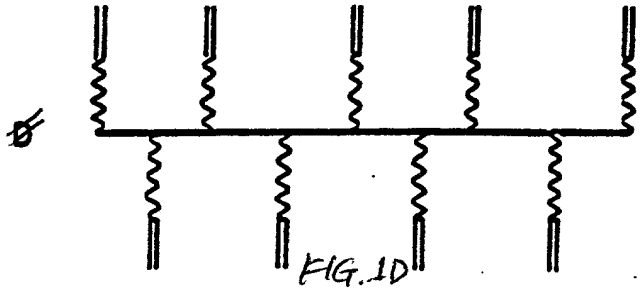


FIG. 1D

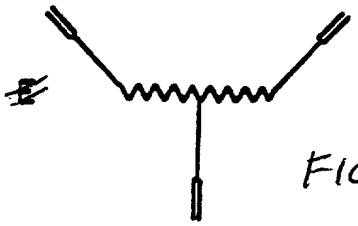


FIG. 1E

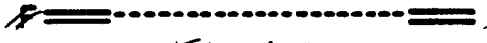


FIG 1F

FIG. 1G

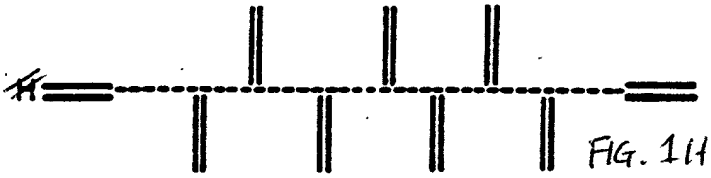


FIG. 1H

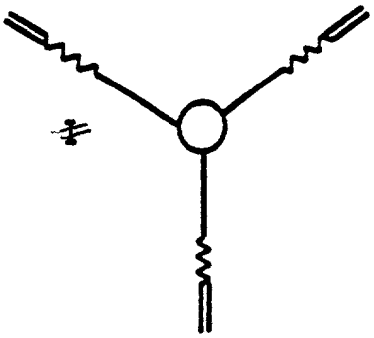


FIG. 1I

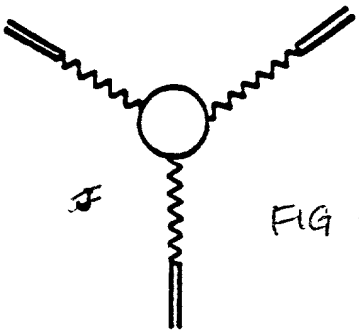


FIG 1J

- WATER SOLUBLE COMPONENT

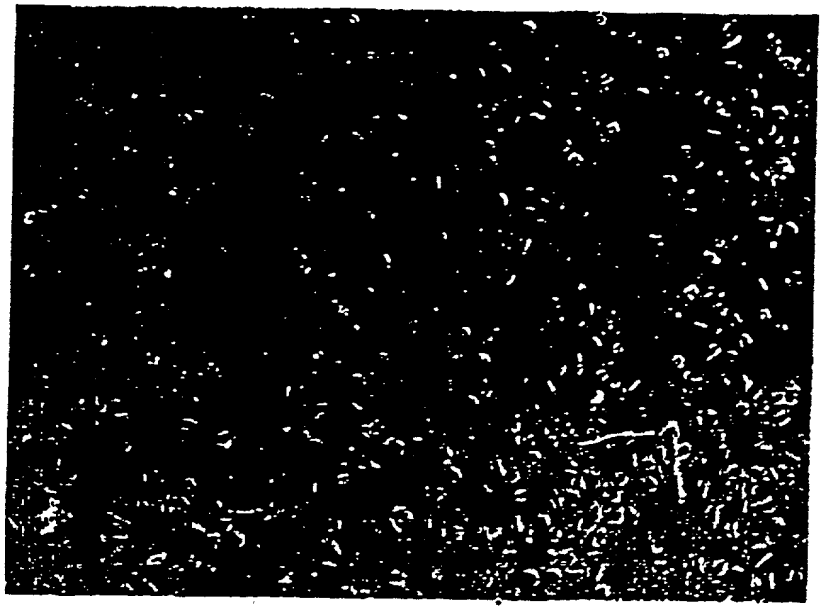
- HYDROLIZABLE COMPONENT

- WATER SOLUBLE AND HYDROLIZABLE COMPONENT

- PHOTOPOLYMERIZABLE COMPONENT

~~FIG. 1~~

FIG. 16a



~~FIG. 2b~~

FIG. 16B

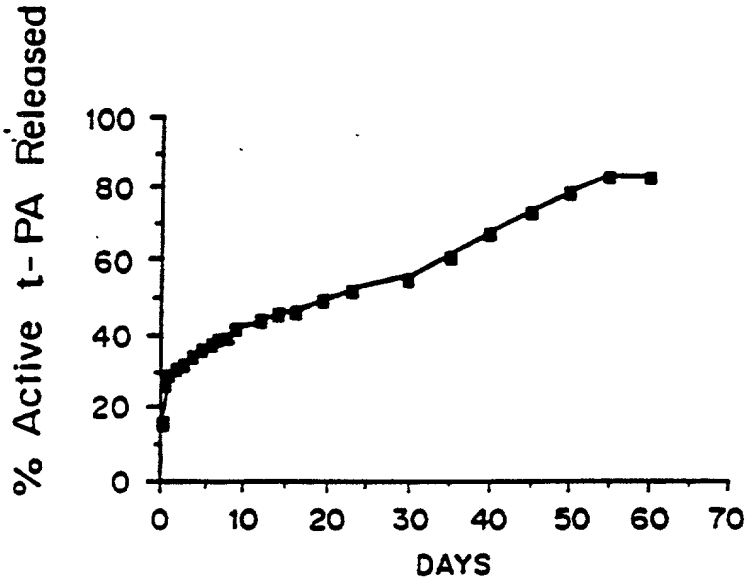
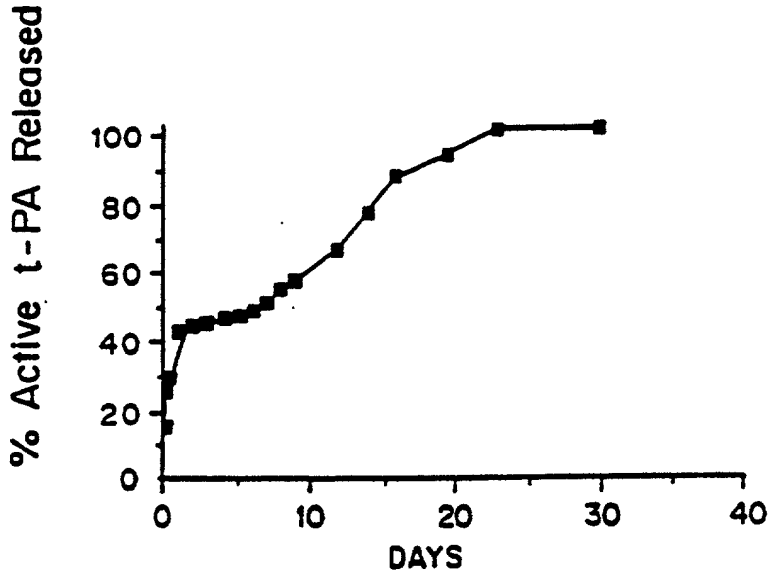



*FIG. 18a*




~~FIG. 4b~~
FIG. 18B